IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 11298 of 2007(T)

PETITIONER:
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1. PAREETH, AGED 40 YEARS,
S/O. MEERAN, KARINKULAMPUTHENPURAYIL,
ADIMALY.

2. NAGAN PANCHAMANI, AGED 60 YEARS,
S/O.PANCHAMANI, CHATTUPARAKUTTI,
ADIMALY.

3. K.R.VINOD, AGED 36 YEARS,
S/O.RAMAKRISHNAN, KOYIPPILLIYIL,
ADIMALY.

BY ADV. SMT.C.S.SHEEJA

RESPONDENTS:
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1. ADIMALI GRAMA PANCHAYATH, REPRESENTED
BY THE SECRETARY TO PANCHAYATH,
ADIMALI.

2. THE SECRETARY, ADIMALI GRAMA PANCHAYATH,
ADIMALI.

BY ADV. SRI.LATHEESH SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 11298 OF 2007 - T

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Dated this the 18th day of June, 2007

JUDGMENT

Petitioners are allottees of shop rooms in the shopping complex in the Mini Bus stand of the respondent panchayat. They bid auction for the year 2006 to 2007. This court passed an interim order directing that the pachayat is permitted to go ahead with the auction and stated that petitioners are at liberty to participate , but confirmation of the auction will be subject to the further orders of this court.

2. The statement filed by the respondent would show that at present the first petitioner is paying Rs.800/- per month for the shop room, but in the auction, the rate quoted was Rs.1700/- per month. In the case of the second petitioner, present rate is Rs. 650/- per month, but the rate quoted is Rs. 900/- per month. In the case of third petitioner, the present rent is Rs.775/- per month, but the

rate quoted is Rs. 1,550/- per month.

3. Learned counsel for the petitioners submits that petitioners are prepared to take the shop room at the rate at which the highest bidders have given their bid. She points out that this is a case where the rooms are in the possession of the petitioners for the last one year. Learned counsel for the Panchayath submits that Panchayath may be permitted to negotiate between the petitioners and the highest bidders.

In such circumstances, the writ petition is disposed of directing that if it is found on the basis of negotiation that petitioners' offer is the highest in respect of the shop rooms, the rooms will be allotted to the petitioners. Till such time as a decision is taken, the interim order passed by this court will continue.

(K.M.JOSEPH, JUDGE)

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